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DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/16/22

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February 8, 2022

ECF Filed

Honorable Kimba M. Wood
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, N.Y. 10007

MEMO ENDORSED

**Re: U.S. v. Abreu, et al., including Jose Cruz, Dkt. 19 Cr. 821 (KMW)
In Order for Jose Cruz to Complete a Vocational Program in Coding at
Columbia University ("Justice Through Code") the Defense Seeks a Third
and Final Adjournment of his Sentencing Hearing to a date after July 18,
2022, over the Government's Objection.**

Dear Judge Wood:

I write to respectfully request a third, and final, adjournment of Mr. Jose Cruz's sentencing hearing. Currently scheduled for March 9, 2022, we seek a date after July 18, 2022 so that he may complete "Justice Through Code," (hereinafter "JTC"), a vocational training program in coding and computer science designed and administered by Columbia University. This motion is opposed by the Government.

Hopefully this request comes as no surprise. As Your Honor may recall, in our December 2, 2021 letter seeking a second adjournment, we reported that Mr. Cruz was awaiting decision on his application to the JTC program. We alerted the Court, as well, that, were he to be accepted, we would be seeking this adjournment and would consult the Government about it. *See, Defense December 2, 2021 letter, DE 194.* While we have discussed the necessity of this adjournment with the Government, it has withheld its consent, unreasonably in our view.¹

¹ In in a January 24th email attempt to persuade the Government that, rather than dilatory, our request was designed to further the statutory goals of sentencing, particularly the 18 USC §3553(a)(2)(D) goal of providing "the defendant with needed educational and vocational training". I stressed the importance of enabling the Court to consider Mr. Cruz's entire personal history and characteristics citing 18 USC §3553(a)(1) and now cite in further support. As noted in a similar case the late Honorable Jack B Weinstein, U.S.D.J. adjourned sentencing to allow a

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By way of background, at the defense's request this court adjourned a sentencing set for September 28, 2021 until December 22, 2021 to afford Mr. Cruz an opportunity to complete his GED coursework and to sit for the examination. *See Defense letter & Order, DE 166 & 168.* He has since done so and earned his diploma on January 19, 2022. *See, attached January 19, 2022 email.*

Since his release on bail, January 17, 2020, Mr. Cruz has been full steam ahead on his own self-improvement. He has worked almost without interruption throughout the pandemic. He secured employment several weeks later in maintenance at two residential buildings in Upper Manhattan doing jobs most people would not care to do: mopping floors and packing garbage for the next day's NYC Department of Sanitation collection. While he was laid off soon after the pandemic struck, he landed his current full-time position at a New Jersey fabric warehouse in June 2020 and has held it for more than 20 months, working 40 to 48 hours per week from Monday – Friday, and sometimes Saturdays, while concomitantly spending his evenings completing his GED studies. *Id.*

Mr. Cruz matriculated in the JTC program on January 31, 2022. *See, JTC emails.* JTC is described as a "coding bootcamp" in which students must work a weekly minimum of 20-hours. *See, attached JTC Handbook, pp. 1-3.* The program, which meets 6:30 to 8:30 p.m. Monday – Thursday, ends mid-July. *Id. at p. 4.* Designed as a gateway to employment in the technology sector for the formerly incarcerated, to "fundamentally change their lives," the program is jointly run by the Columbia University Center for Justice and the Tamer Center of Social Enterprise at the Columbia Business School. *Id. pp. 1-2.* JTC teaches students the fundamentals of python coding language as well as the basics of computer science and web development. Ultimately, finishing with Web Development II, students learn to design databases and web applications. Commencing May 12, 2022, participants attend supplementary sessions focused on developing the interpersonal skills, job applications, and interview processes.

While distressed by the Government's disagreement, I'm proud to report to this Court that Mr. Cruz has made such rehabilitative strides. I believe that he stands to benefit immensely from JTC vocational training. While he has demonstrated great self-discipline in committing himself to his manual labors, this program has allowed him to self-actualize, making the most of his skills and paving a path to a middle class. Government opposition notwithstanding, we ask, therefore, that Your Honor grant this third, and final, Defense request and continue Mr. Cruz's sentencing to a date after July 18, 2022 so that he may complete the JTC program, enhance his employment prospects, and minimize his risk of recidivating.

Thank you.

defendant to continue with his rehabilitation quoting United States v. Flowers, "[a]djournment of sentence is permitted to allow the court to determine defendant's postoffense, presentence rehabilitation and to explore and consider a full range of appropriate sentencing alternatives." United States v. K, 160 F.Supp2d 421, 427 (EDNY May 31, 2001)(internal citation omitted).. See also, Crim.R. 32(b)(2)("The court may, for good cause, change any time limits prescribed in this rule. "). In light of these provisions of law I strenuously argued to the Government that, rather than resist, presentence rehabilitation it should be encouraged.

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Respectfully submitted,
s/ Richard Palma
Richard Palma

Attachments:

The request to adjourn is denied.

SO ORDERED: N.Y., N.Y. *2/14/22*

Kimba M. Wood

KIMBA M. WOOD
U.S.D.J.

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